

ORIGINAL

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9
10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 IN RE: SUBPOENA TO PALO ALTO
13 RESEARCH CENTER INC.

14 In connection with:

15 ContentGuard Holdings, Inc.,

16 Plaintiff,

17 v.

18 Google, Inc.,

19 Defendant.

20 Case No. 2:14-cv-61
21 United States District Court for the
22 Eastern District of Texas
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Filed

MAR 26 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

CV 15 80101 MISC. NC

GOOGLE'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL ITS
MOTION TO COMPEL PALO ALTO
RESEARCH CENTER TO PRODUCE
DOCUMENTS IN RESPONSE TO
SUBPOENA AND CERTAIN EXHIBITS
IN SUPPORT OF GOOGLE'S MOTION

ADMINISTRATIVE MOTION TO SEAL CERTAIN DOCUMENTS

Defendant Google Inc. ("Google") submits this motion for a sealing order pursuant to Civil Local Rule 79-5 so that it may file under seal its Motion to Compel Third Party Palo Alto Research Center Inc. to Produce Documents in Response to Subpoena ("Google's Motion to Compel") and Exhibits 7-10, 13, 15-17, and 20 of the Declaration of Timothy Chao In Support of Google's Motion To Compel Palo Alto Research Center To Produce Documents In Response To Subpoena ("Chao Decl."). This motion is based on the points and authorities herein, and on the accompanying Declaration of Timothy Chao In Support of Google's Administrative Motion to File Under Seal Google's Motion To Compel Palo Alto Research Center To Produce Documents In Response To Subpoena.

On June 6, 2014, Judge Rodney Gilstrap entered an Amended Protective Order ("Amended Protective Order"), Dkt No. 69 in a related case, ContentGuard Holdings, Inc. v. Google Inc., Case No. 2:14-cv-0061, pending in the United States District Court for the Eastern District of Texas, Marshall Division. (Chao Decl. Ex. A) The Amended Protective Order permits the parties to designate documents as "CONFIDENTIAL," "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY," or "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY – SOURCE CODE." (Chao Decl. Ex. A, ¶ 7(a).)

Google's Motion to Compel reflects information from a number of documents designated by Palo Alto Research Center, Inc. ("PARC") or ContentGuard Holdings, Inc. ("ContentGuard") attorneys as "CONFIDENTIAL" or "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY" under the Amended Protective Order.

Google files this motion only because PARC or ContentGuard has designated or may designate Exhibits 7-10, 13, 15-17, and 20 to the Chao Decl. as "CONFIDENTIAL" or "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY" pursuant to the Amended Protective Order, and Google's Motion to Compel cites to these exhibits. Accordingly, Google respectfully submits that the Court should permit Google's Motion to Compel and Exhibits 7-10, 13, 15-17, and 20 thereto to be filed under seal.

1 Dated: March 19, 2015

Respectfully submitted,

KAYE SCHOLER LLP

By: /s/ Michael Malecek

Michael Malecek

Attorneys for Defendant

Google, Inc.

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Court Name: U.S. District Court, NDCA
Division: 5
Receipt Number: 54611015509
Cashier ID: waltonb
Transaction Date: 03/27/2015
Payer Name: Oakland Service of Process I
NC

MISCELLANEOUS PAPERS

For: Google, Inc
Case/Party: D-CAN-5-15-MC-000101-001
Amount: \$46.00

PAPER CHECK CONVERSION

Check/Money Order Num: 4098
Amt Tendered: \$46.00

Total Due: \$46.00
Total Tendered: \$46.00
Change Amt: \$0.00

NC

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.